

§961.11

days from receipt of the decision and shows good cause for reconsideration. Reconsideration will be allowed only in the discretion of the Hearing Official. A motion for reconsideration by the employee will not operate to stay a collection action authorized by the Hearing Official's decision.

§961.11 Consequences for failure to comply with rules.

(a) The Hearing Official may determine that the employee has abandoned the right to a hearing, and that administrative offset may be initiated if the employee files his or her petition late without good cause; or files a withdrawal of the employee's petition for a hearing.

(b) The Hearing Official may determine that the administrative offset may not be initiated if the Postal Service fails to file the answer or files the answer late without good cause; or files a withdrawal of the debt determination at issue.

(c) If a party fails to comply with these Rules or the Hearing Official's orders, the Hearing Official may take such action as he or she deems reasonable and proper under the circumstances, including dismissing or granting the petition as appropriate.

§961.12 Ex parte communications.

Ex parte communications are not allowed between a party and the Hearing Official or the Official's staff. Ex parte communication means an oral or written communication, not on the public record, with one party only with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports or procedural matters. A memorandum of any communication between the Hearing Official and a party will be transmitted to both parties.

PART 962—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE PROGRAM FRAUD CIVIL REMEDIES ACT

Sec.

962.1 Purpose.

962.2 Definitions.

962.3 Petition for hearing.

962.4 Referral of complaint.

39 CFR Ch. I (7–1–15 Edition)

962.5 Scope of hearing; evidentiary standard.

962.6 Notice of hearing.

962.7 Hearing location.

962.8 Rights of parties.

962.9 Responsibilities and authority of presiding officer.

962.10 Prehearing conferences.

962.11 Respondent access to information.

962.12 Depositions; interrogatories; admission of facts; production and inspection of documents.

962.13 Subpoenas.

962.14 Enforcement of subpoenas.

962.15 Sanctions.

962.16 Disqualification of reviewing official or presiding official.

962.17 Ex parte communications.

962.18 Post-hearing briefs.

962.19 Transcript of proceedings.

962.20 Initial decision.

962.21 Appeal of initial decision to judicial officer.

962.22 Form and filing of documents.

962.23 Service of notice of hearing, other documents.

962.24 Computation of time.

962.25 Continuances and extensions.

962.26 Settlement.

962.27 Limitations.

AUTHORITY: 31 U.S.C. Chapter 38; 39 U.S.C. 401.

SOURCE: 52 FR 12904, Apr. 20, 1987, unless otherwise noted.

§962.1 Purpose.

This part establishes the procedures governing the hearing and appeal rights of any person alleged to be liable for civil penalties and assessments under the Program Fraud Civil Remedies Act of 1986 (codified at 31 U.S.C. 3801–3812).

§962.2 Definitions.

(a) *Attorney* refers to an individual authorized to practice law in any of the United States or the District of Columbia or a territory of the United States.

(b) *Complaint* refers to the administrative Complaint served by the Reviewing Official on a Respondent pursuant to §273.8 of this title.

(c) *Initial Decision* refers to the written decision which the Presiding Officer is required by §962.20 to render, and includes a revised initial decision issued following a remand.

(d) *Investigating Official* refers to the Inspector General of the United States Postal Service or any designee within the Office of the Inspector General.